

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

MICHAEL K. HERRON, : Case No. 19-24527-TPA
Debtor : Chapter 11
: Related to Doc. Nos. 265, 270

ORDER

On January 14, 2021, a hearing was held on the confirmation of the ***Debtor's Second Amended Plan of Reorganization Under Chapter 11 of the United States Bankruptcy Code Dated December 15, 2020*** ("Plan") (Doc. 265). The Debtor seeks cram-down of the *Plan* under *11 U.S.C. §1129(b)* because not all of the impaired classes have voted in favor of confirmation in that creditors in some of the impaired classes did not return a ballot, which this Court treats as equivalent to a "no" vote, meaning *Section 1129(a)(8)* has not been satisfied. However, none of the non-voting creditors appeared at the January 14, 2021 confirmation hearing, nor have they otherwise filed any objection to the *Plan*. Additionally, the Court finds that on its face the *Plan* does not discriminate unfairly and is fair and equitable with respect to each class of claims that is impaired under and has not accepted the *Plan*.

AND NOW, this 22nd day of ***January 2021***, the Debtor having filed ***Debtor's Second Amended Plan of Reorganization Under Chapter 11 of the United States Bankruptcy Code Dated December 15, 2020*** (Doc. 265), and after notice and hearing, the Court having determined that the requirements for confirmation of the Plan under *11 U.S.C. §1129* are satisfied, it is hereby ***ORDERED, ADJUDGED*** and ***DECREED*** that:

(1) The Debtor's request for cram-down of ***Debtor's Second Amended Plan of Reorganization Under Chapter 11 of the United States Bankruptcy Code Dated December 15,***

2020 (Doc. 265), pursuant to *11 U.S.C. §1129(b)* is **GRANTED** and the Plan is **CONFIRMED**, including any stipulations or other amendments finally approved by the Court which are incorporated by reference into the Plan as if fully set forth therein.

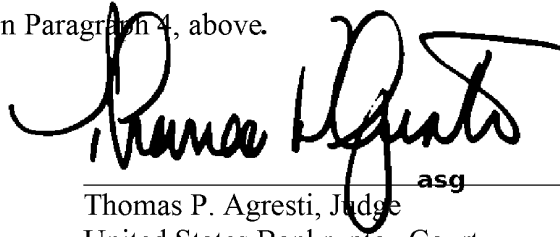
(2) This Order shall become effective as set forth in Paragraph 1, above, unless **on or before February 8, 2021**, any creditor that voted “no” on the Plan, or failed to vote, requests a hearing in the form of an **Objection** and sets forth cause for its objection.

(3) In the event any **Objection** to confirmation is timely filed, a hearing on the cram down request will take place on **February 18, 2021 at 10:00 A.M.**, the procedure for which will be subject to further Court Order and Judge Agresti’s Procedures for evidentiary hearings.

(4) The Debtor shall **immediately** serve this Order on all interested Parties having failed to vote or voting “no” on the December 15, 2020 *Plan*, which specifically include:

- (a) Bank of America, N.A.;
- (b) Wells Fargo Bank, N.A.;
- (c) PHH Mortgage Corporation;
- (d) US Bank;
- (e) Pennsylvania Department of Revenue;
- (f) Internal Revenue Services; and
- (g) William G. Cherbonnier, Jr.

(5) **On or before January 25, 2021**, the Debtor shall file a **Certificate of Service** indicating service of the Parties as identified in Paragraph 4, above.



asg
Thomas P. Agresti, Judge
United States Bankruptcy Court

Case administrator to serve:
Aurelius Robleto, Esq.
Office of the U.S. Trustee
Debtor

In re:
Michael K. Herron
Debtor

Case No. 19-24527-TPA
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0315-2
Date Rcvd: Jan 22, 2021

User: mgut
Form ID: pdf900

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 24, 2021:

Recip ID	Recipient Name and Address
db	+ Michael K. Herron, 1276 Tacoma Street, Hernando, FL 34442-3237

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 24, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 22, 2021 at the address(es) listed below:

Name	Email Address
Alexander R. Kalyniuk	on behalf of Defendant Internal Revenue Service United States of America Alexander.R.Kalyniuk@usdoj.gov, Robert.D.Metcalf@tax.usdoj.gov;eastern.taxcivil@usdoj.gov
Aurelius P. Robleto	on behalf of Attorney ROBLETTO KURUCE PLLC apr@robletolaw.com, rmk@robletolaw.com,ecf_admin@robletolaw.com,apr@ecf.courtdrive.com,G16422@notify.cincompass.com
Aurelius P. Robleto	on behalf of Plaintiff Michael K. Herron apr@robletolaw.com rmk@robletolaw.com,ecf_admin@robletolaw.com,apr@ecf.courtdrive.com,G16422@notify.cincompass.com
Aurelius P. Robleto	on behalf of Debtor Michael K. Herron apr@robletolaw.com rmk@robletolaw.com,ecf_admin@robletolaw.com,apr@ecf.courtdrive.com,G16422@notify.cincompass.com
Brian Nicholas	

District/off: 0315-2

User: mgut

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Date Rcvd: Jan 22, 2021

Form ID: pdf900

Total Noticed: 1

on behalf of Creditor BANK OF AMERICA N.A. bnicholas@kmlawgroup.com

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on behalf of Creditor U.S. Bank Trust National Association as Trustee of the Bungalow Series III Trust
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on behalf of Creditor United States of America Department of the Treasury Internal Revenue Service
Catriona.M.Coppler@usdoj.gov, eastern.taxcivil@usdoj.gov;James.J.Wilkinson@usdoj.gov

Charles Griffin Wohlrab

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Charles Griffin Wohlrab

on behalf of Creditor Wells Fargo National Association as Trustee for Banc of America, Alternative Loan Trust 2005-11,
Mortgage Pass-Through Certificates, Series 2005-11 cwohrlab@raslg.com

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on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER pabk@logs.com logsecf@logs.com

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Kevin Scott Frankel

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Kristen D. Little

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Mario J. Hanyon

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Asset-Backed Certificates, Series 2006-OPT5 wbecf@brockandscott.com, mario.hanyon@brockandscott.com

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Norma Hildenbrand, on Behalf of the United States Trustee by

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TOTAL: 27